

**Minutes of the Carlisle Board of Health  
April 28, 2015**

Minutes 1/6/15, 3/24/15, 4/7/15

Bills

Administrative Reports

Center Water Issues (Tony Mariano) #1

- Police Station Periodic Review Opinion  
AECOM 3/12/15
- Daisy's Gasoline Station Clean up

Proposed revisions to the following

- Keeping of Swine
- Manure Management
- Comments Submitted

**DISCUSSION ITEMS**

Long Ridge Road #3

- Nitrogen Loading Comments (Rob Frado  
4/28/15)
- Town Counsel letter to DEP 4/24/15
- Horsley Witten letter to Hill Law 4/10/15
- Belitz letter to town boards 4/15/15

429 Cross Street – #4

- septic upgrade;
- missing Title 5 Inspection Report

Carlisle Extended Day – update on water tests

Ice Cream Stand Inspections

- Kimballs Farm
- Great Brook Farm

Great Brook Farm –manure complaint

Hazardous Waste Collection – report #7

The meeting was called to order by the Chairman at 7:00 pm at town hall. Present were Board members Bill Risso (Chairman), Lee Storrs, Catherine Galligan, Todd Thorsen, and Donna Margolies. Also present Linda Fantasia, Health Agent and Alex Brewster (Carlisle Mosquito). Other audience members included Tony Mariano, Sr., Tony Mariano, Jr., Mark Duffy (Great Brook Farm) and David Carroll and Esther Scalia of Benfield Farms.

**MINUTES**

**It was moved (Galligan) and seconded (Storrs) to approve the minutes of 3/24/15 as amended. Motion passed 5-0-0. It was moved (Thorsen) and seconded (Storrs) to approve the minutes of 4/7/15 as amended. Motion passed 4-0-1 (Margolies was absent).**

**BILLS – Engineering for the month of March and payrolls. It was moved (Galligan) and seconded (Storrs) to approve the invoices as presented for payment. Motion passed 5-0-0.**

**CENTER WATER ISSUES**

Present were Anthony Mariano, Sr., and Tony Mariano, Jr., both members of the Water Quality Subcommittee.

**Daisy's Gasoline Station Clean up** – T. Mariano provided a brief history of the cleanup activities which have taken place at the Lowell Street site. In 1978 a leaking gasoline tank was removed and replaced when gasoline constituents were detected in nearby drinking water wells. In 1989 the replacement tank failed a tank tightness test due to a leaking line. Three Underground Storage Tanks (UST's) were removed from the site. Testing showed that some private drinking water wells in the area were impacted with MTBE<sup>1</sup>. In 2000 Handex Inc., under contract with DEP, removed a substantial amount of impacted soil and groundwater. Not all of the contaminated soil was removed because it was located under the roadway and the building. The Daisy family, as the potentially responsible party, has undertaken limited assessment and remediation activities due to financial constraints. The Town has also conducted monitoring of the groundwater in the center and continues to test bi-annually six private wells identified by DEP for having high levels of MTBE.

The Daisy family is now working with the firm Cushing, Jammallo & Wheeler (CJW) on a Phase II Comprehensive Site Assessment (CSA). CJW believes that assessment off-site groundwater quality may be necessary in order to determine the extent of the contamination. CJW is considering the installation of bedrock monitoring wells in the town right of way to help with this delineation and whether further remedial actions are needed at the disposal site. T. Mariano said that contaminants travel through fissures in the rock and characterizing the bedrock fracture system can be very complicated and expensive. The installation of monitoring wells into the bedrock may open up additional pathways for contaminants to travel thereby extending the impacts to new areas. This may be more of a risk to public health than allowing the disposal site to degrade naturally. Although there is still evidence of gasoline contamination on the site, it does not appear to pose an imminent health risk to center residents. T. Mariano said a number of monitoring wells were installed at the site but none are currently usable. This is typical of monitoring wells that can be easily damaged. If bedrock wells are installed it will be important to have a plan for when and how to close them out. T. Mariano recommended staying informed about CJW activities and consulting with DEP when the assessment activities are proposed. CJW will be holding a public information night on the proposed activities that will be advertised in the Mosquito.

#### **41 Lowell Street - Police Station**

T. Mariano then explained that the Police Station, formerly the Old Fire Station and Dept. of Public Works site, had UST's removed in the mid-1980's. Post removal testing indicated the presence of volatile organic compounds (VOC's) in the soil and groundwater. The town initiated a groundwater extraction and treatment system which was closed out in 2002 when a Temporary Solution was accepted by DEP. A permanent solution was not feasible due to residual VOC impacts in the groundwater and the fact that the groundwater is classified as GW-1 under the EPA drinking water standards. Complete removal is not financially or technically feasible. Under the Temporary Solution the site will be monitored every five years. No active remediation is needed.

T. Mariano had reviewed the Periodic Review Opinion prepared by AECOM and filed with DEP on behalf of the town. He agreed with the findings and the recommendation to continue monitoring every five years. The report mentioned the possibility of filing for a down gradient property status because of the Daisy Gasoline Station release. T. Mariano said this had been considered in the past but had been discarded as difficult and costly to prove. In reality the town would still be responsible for taking any required action since the Daisy family does not have sufficient funds to address its own site. T. Mariano did not believe there would be any benefit in applying for down-gradient status.

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<sup>1</sup> Methyl Tertiary Butyl Ether is almost exclusively used as a fuel additive in gasoline. At room temperature, MTBE is a volatile, flammable and colorless liquid that dissolves rather easily in water. (Reference: EPA)

Risso asked if the pump house extraction wells had been sealed when the equipment was dismantled. T. Mariano said he did not know or if the wells were used by AECOM to sample groundwater. He thought this would be unlikely. There are a number of wells at the site, but not all are viable. Risso asked if the town should be testing the drinking water at the police station. T. Mariano said this would be a good idea. He also recommended continuing the program to test private wells in the center. In addition to VOC's, the water should be tested for sodium because of the old salt stockpile maintained at the former DPW site and nitrates due to the housing density in the center. The Board includes these tests in the bi-annual testing that it offers to center residents.

The Board noted that the Water Quality Subcommittee has only three members: Anthony Mariano, Tony Mariano and Steve Hinton. The Board would like to see a full membership of five. The WQS only meets when directed by the Board but has been a very important participant in dealing with town water quality issues particularly in the center. The Board thanked both of the Marianos for their continued participation on the WQS.

## **ADMINISTRATIVE REPORTS**

**Summer Farmer's Market** – new manager is Susan Macone. She has distributed the Self-Certification forms to interested vendors. Fantasia inspected and approved a residential kitchen at 817 Concord Street.

**Contracts** – Randy Phelps (Phelps Food Service) is interested in continuing as the Food Establishment Inspector. His rate will increase by \$5.00 to \$50/hr. Public Protection Specialists – not used last year. Rob Frado, Technical Consulting Group, has not yet submitted proposed rates.

**Second iPad** – The Region 4A mini-grant was approved for an Apple iPad Air 2 and cover.

**CHNA 15 Mini-Grant** – A Letter of Intent was sent 4/17/15. Fantasia recommended not moving forward this year, preferring to work on the Municipal Inventory System and Shelter planning.

**UMass Medical School Population Health Clerkship** – the project description due 5/22/15. Fantasia recommended not moving forward this year for the reason stated above. The Board asked to send a letter to the school recognizing the importance of the clerkship to public health and Carlisle's willingness to consider the program in future years.

**Old Home Day (June 27<sup>th</sup>) Booth** – Board of Health and Lyme Disease Subcommittee will sponsor a booth.

**Sharps Disposal Containers** – The containers were sold out at the Hazardous Waste Collection. The Board agreed to order 10 one-quart and 10 one gallon using the Public Health revolving account.

**Social Media Policy** Region 4A hired a consultant to prepare a policy for local health departments. The Board will review the material for the next meeting. .

**Mass. Health Officers Education Meeting** – "Lessons in Legal Liability", 6/18/15. Risso and Storrs may attend.

**Planning Board Memo 4/18/15** – the Planning Board prepared a list of existing lots that do not conform to zoning and/or subdivision requirements. According to town counsel these lots are ineligible for building permits. The Board asked for more information and whether this affects septic permits.

**MANURE AND SWINE REGULATIONS** – proposed revisions. Mark Duffy, Great Brook Farm, was present.

The Board continued its consideration of revised Manure Management and Keeping of Swine Regulations. The Board has asked for comments from the Land Use Boards and Agricultural Committee (AG). A meeting notice was published in the Mosquito. Peter Mastromarino, chairman of the AG, had collected comments from some farmers which he submitted in writing since the AG does not meet again until late May. There were no other comments submitted.

The farmers suggested changing the license period which is currently September 1 – August 31. Most pigs arrive in the spring and go to slaughter in the fall, falling within two licensing periods. He suggested February 1 – January 31. Fantasia explained that the licensing period is tied to the state inspection. These forms are provided early fall so the inspections are done in October. The forms must be returned to the state by December 1. The Board agreed it would be difficult to change the licensing period. Fantasia said licenses are maintained by the year of the application and inspection even though the license period extends into the next year. The Board agreed that a separate form for keeping pigs should be attached to the Barn License application. This would be submitted when the pigs arrive. Because the keeping of pigs has the potential to create significant health and nuisance problems compared to most other domestic livestock, the Board wants to know where pigs are being kept, how many there are and when they go to slaughter.

The Board discussed the information required for keeping swine. It was agreed that a plan showing compliance with the Manure Management Regulations would be required. Storrs pointed out that the Manure Management Regulations set performance standards but do not state how the information should be provided. There is no requirement to submit a plan or what the plan needs to show. Fantasia said most animal owners have an established practice for handling manure which is verified by the Animal Inspectors during their inspection. It usually does not require a written plan. The Board agreed to add a statement to the Manure Regulations that a plan is required for the keeping of swine and what it needs to include. Galligan offered to prepare a model plan. It will be an Appendix to the Regulations and on the reverse side of Swine Application which will be sent out with the Barn Licenses. The Board wants compliance to be as easy as possible for the local farmers. Fantasia said if the information provided does not appear to be sufficient the Animal Inspectors, Health Agent or Board members could do a site visit.

The farmers were also concerned that the definition of garbage would preclude farm scraps and vegetables. The Board agreed that the definition was sufficient. It is based on the state regulation. Primarily it prohibits any meat products. No additional fee will be required for permitting pigs other than the annual Barn License of \$25.

Duffy said he was concerned that the proposed Manure Management Regulations do not take into consideration large commercial farms. The primary focus appears to be on the keeping of horses. Managing manure for a small number of horses is very different from a large commercial livestock operation. He suggested referencing USDA standards which is how he operates his dairy farm. He has a large manure composting operation, partially funded by the state, and accepts manure from horse owners in town. He also has a liquid manure operation. The Board agreed that Great Brook Farm should be considered an exception to the average Carlisle farm. The Board did not think it was necessary to impose USDA recommendations on the smaller farms and stables.

Duffy then questioned the proposed regulation for transporting manure. The vehicle does not need to be registered if it is travelling within 10 miles of the farm. He transports manure to the various fields under his control to prepare them for the growing season. This year a complaint was lodged by a Chelmsford resident about odors coming from a nearby field. Fantasia followed up with Duffy who said he was only applying manure. He tries to choose the best time and weather for the application. There is always an initial odor but it dissipates quickly. Liquid manure can be affected by temperatures, resulting in a different strength to the smell depending on the winter. Fantasia contacted the Chelmsford resident who appreciated knowing the odor would be temporary. Fantasia also followed up on manure spilled from the farm tractor along Curve Street. Photos were provided to the Board. When contacted, Duffy had the roadway clean up. There have been no further complaints.

Duffy said transporting and applying manure to fields is standard farming practice. He does not believe it needs to be included in the regulation. The Board explained that it is important to have a regulation so that the Board can address problems when they arise. If there was no regulation, there would be no means of enforcement. The Board prefers to manage complaints and concerns without enforcement but it is important to have the option available.

The Board agreed to revise the drafts further and review at the next meeting. The Board would like to adopt the changes at the final May meeting.

## **DISCUSSION ITEMS**

**Benfield Farms Development** – Present for the discussion were tenants David Carroll and Esther Scalia.

Fantasia provided the Board with the Public Water Supply monitoring schedule set by DEP. There was no required sodium test. High levels of sodium in the drinking water have been a problem. The Board will ask for the latest reports. The Board asked the tenants if there had been a sodium notice posted. They said it had not. Fantasia will check with Benfield to make sure the advisory is posted.

Risso had attended the last inspection of the FAST system. A number of modifications were in the process of being done to help alleviate the odor. Scalia said there is still a very bad odor in the area of the parking lot and maintenance facility. Storrs questioned whether there were enough bacteria yet. Although the growth was trending in the right direction, it may still not have fully established. This could be the cause of the strong odor. The Board has not received any follow up inspection reports from the service vendor Waste Treatment Systems. The Board will ask them to attend the next meeting.

### **Long Ridge Road Chapter 40B Application**

The Board received comments from Rob Frado on the nitrogen loading calculations prepared by the applicant; a copy of the letter from town counsel on behalf of the Board asking DEP to make a determination on the question of a PWS; concerns from resident Ken Belitz about the nitrogen loading model used, groundwater impact analysis and development density; and comments from the Horsley Witten Group, the abutters' consultant, on the report prepared by Northeast Geoscience, Inc. on behalf of the applicant.

Risso attended the last Zoning Board of Appeals (ZBA) meeting wherein the peer reviewer, Steve Smith, questioned the nitrogen loading model used by the applicant, and agreed with many of the comments of the Horsley Witten Group. There appears to be general agreement that the model used to determine whether the development meets Title 5 nitrogen loading was not the generally accepted DEP model. There are also a number of questions about the assumptions built into the model. The applicant is claiming that he no longer needs additional credit land due to the pre-treatment benefits of the alternative technologies. The next ZBA meeting is 5/4/15.

### **429 Cross Street**

The property sold last spring without doing a Title 5 Inspection. The new owners were contacted in February and asked to provide a Title 5 Inspection report. This is a state requirement when a property sells. The Board questioned how the property could have transferred without the report. The Board would like to know who the lender is. An upgrade of a failed system is tied to the date of the inspection report. Typically an owner has two years to upgrade. Depending on why the existing system failed, the Board may want to shorten that timeframe. A plan to replace a failed system was submitted in January.

There is no information on the existing system or why it failed. It appears to be taking a long time to upgrade the system. Soil testing was done last June; Stamski & McNary Inc. prepared the design in October; the plan was not submitted until January; the plan was rejected in February; a revised plan was only submitted last week.

The owners will be asked to attend the next meeting with the required Title 5 report and to work out a timeline for upgrading the system. The letter will be sent certified.

**Carlisle Kids House (Carlisle Extended Day)** – Fantasia provided the Board with a table summary of the drinking water testing results since January. There have been a number of positive reports for total coliform since January. The Certified Well Operator, WhiteWater, has been in contact with DEP. The well casing was checked for cracks. DEP did not recommend chlorinating the well. Fantasia spoke with the Director who was concerned that the sampling was being done incorrectly. A company supervisor took the April sample and did on-site training for

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the technician. April test results have all been negative. The Director will observe the sampling in the future. No action is required of the Board.

**Seasonal Ice Cream Stands** – Kimball's Ice Cream and Great Brook Farm were inspected by Randy Phelps and approved for licensing.

**Hazardous Waste Collection 2015** – 103 households participated. Feedback from the community suggested that signage and directions were inadequate and at least two residents couldn't find the collection site. The Board will ask the Selectmen to purchase additional signs for next year. Some households made two trips because of items forgotten. This increased the number of quarter loads unnecessarily. More publicity may help next year.

There was no further business. Meeting voted to adjourn at 9:15 p.m.

Respectfully submitted,

Linda M. Fantasia  
Recorder